DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Food and Drug Administration
Rockville MD 20857

FEB 7 2007

Re: Amitiza
Docket No.: 2006E-0355

The Honorable Jon Dudas
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office
Box Patent Extension
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Director Dudas:

This is in regard to the application for patent term extension for U.S. Patent No. 5,284,858, filed by Sucampo AG, under 35 U.S.C. section 156 et seq. We have reviewed the dates contained in the application and have determined the regulatory review period for Amitiza (lubiprostone), the human drug product claimed by the patent.

The total length of the regulatory review period for Amitiza (lubiprostone) is 2,197 days. Of this time, 1,890 days occurred during the testing phase and 307 days occurred during the approval phase. These periods of time were derived from the following dates:

1. The date an exemption under subsection 505(i) of the Federal Food, Drug, and Cosmetic Act involving this drug product became effective: January 28, 2000.

   The applicant claims January 29, 2000, as the date the investigational new drug application (IND) became effective. However, FDA records indicate that the IND effective date was January 28, 2000, which was thirty days after FDA receipt of the IND.

2. The date the application was initially submitted with respect to the human drug product under section 505 of the Federal Food, Drug, and Cosmetic Act: March 31, 2005.

   FDA has verified the applicant's claim that the new drug application (NDA) for Amitiza (lubiprostone) (NDA 21-908) was initially submitted on March 31, 2005.

3. The date the application was approved: January 31, 2006.

   FDA has verified the applicant's claim that NDA 21-908 was approved on January 31, 2006.

This determination of the regulatory review period by FDA does not take into account the effective date of the patent, nor does it exclude one-half of the testing phase as required by 35 U.S.C. section 156(c)(2).

Please let me know if we can be of further assistance.

Sincerely yours,

Jane A. Axelrad
Associate Director for Policy
Center for Drug Evaluation and Research

cc: Bruce E. Kramer and Fang Liu, Ph.D.
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